

APPEAL NO. 020265  
FILED FEBRUARY 27, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on January 14, 2002. The hearing officer determined that the respondent (claimant) is entitled to supplemental income benefits (SIBs) for the third quarter. The appellant (carrier) appeals on sufficiency of the evidence grounds. The claimant responds, urging affirmance.

DECISION

Affirmed, as reformed.

The claimant sustained a compensable injury on \_\_\_\_\_; she was assigned a 22% impairment rating for her compensable injury; she did not commute her impairment income benefits; and the third quarter ran from July 27 to October 25, 2001, with a corresponding qualifying period of April 14 to July 13, 2001. Eligibility criteria for SIBs entitlement are set forth in Section 408.142(a) and Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 130.102 (Rule 130.102).

Rule 130.102(e) provides that an injured employee who has not returned to work and is able to return to work in any capacity shall look for employment commensurate with his or her ability to work every week of the qualifying period and document his or her job search efforts. In the instant case, the hearing officer determined that the claimant did satisfy the good faith requirement by conducting a good faith job search. The hearing officer was persuaded that the claimant sought work within her restrictions, every week of the qualifying period. Our review of the record does not reveal that the hearing officer's determination that the claimant made a good faith effort to look for work commensurate with her ability to work in the qualifying period is so against the great weight of the evidence as to be clearly wrong or manifestly unjust. Thus, no sound basis exists for us to reverse that determination, or the determination that the claimant is entitled to SIBs for the third quarter, on appeal. Pool v. Ford Motor Co., 715 S.W.2d 629, 635 (Tex. 1986); Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

We note that the hearing officer made a finding that the claimant registered with the Texas Rehabilitation Commission (TRC) during the qualifying period, and that before the qualifying period had elapsed, the claimant had negotiated a retraining plan with TRC. Our review of the record indicates that the hearing officer is mistaken concerning the timing of the retraining plan. Claimant's Exhibit No. 3 clearly indicates that the retraining plan was approved by TRC on October 23, 2001, two days before the end of the third quarter, not two days before the end of the qualifying period. This finding would, therefore, not be sufficient as an alternative basis for holding that the claimant is entitled to third quarter SIBs. As indicated above, however, the claimant satisfied the good faith job search requirement and is entitled to SIBs for the third quarter. We reform the decision and order

of the hearing officer to delete reference to the TRC plan being approved during the qualifying period.

We affirm the decision and order of the hearing officer, as reformed.

The true corporate name of the insurance carrier is **CONTINENTAL CASUALTY COMPANY** and the name and address of its registered agent for service of process is

**C T CORPORATION  
350 NORTH ST. PAUL STREET  
DALLAS, TEXAS 75201.**

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Michael B. McShane  
Appeals Judge

CONCUR:

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Elaine M. Chaney  
Appeals Judge

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Chris Cowan  
Appeals Judge